

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Timothy D. Strecker

Confirmation No.: 7060

Application No.: 10/716902

Examiner: Nicolas, Frederick

Filing Date: Nov 18, 2003

Group Art Unit: 3754

Title: Mixing Rotary Positive Displacement Pump For Micro Dispensing

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- () Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
(X) No additional fee
(X) Other: Response to Restriction (fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$86	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$280	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$950.00	4TH MONTH \$1480.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: **Sept 02, 2003**

Typed Name: **Donald J. Coulman**

Signature: Donald J. Coulman

Respectfully submitted,

Timothy D. Strecker

By Donald J. Coulman

Donald J. Coulman

Attorney/Agent for Applicant(s)

Reg. No. **50,406**

Date: **Sept 02, 2004**

HEWLETT-PACKARD COMPANY
Legal Department, IPA Section, ms: 35
P O BOX 272400
3404 East Harmony Road
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PATENT APPLICATION

Attorney Docket No: 10004251-3



**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: Timothy D. Strecker

Examiner: Frederick C. Nicolas

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**Title: MIXING ROTARY POSITIVE DISPLACEMENT PUMP FOR MICRO
DISPENSING**

**COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450**

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to Examiner's Office Action dated May 20, 2004 providing for a shortened statutory period for reply of 3 months, Applicant responds as follows:

Examiner has identified 7 patently distinct species:

- A. Figures 1-2.
- B. Figure 3.
- C. Figure 4.
- D. Figure 5.
- E. Figures 6a - 6c.
- F. Figures 7a-7b.
- G. Figures 8, 9a-b, and 10.

Examiner has required restriction.

Applicant respectfully traverses Examiner's restriction. Applicant believes that the restriction requirement is improper. Examiner's restriction requirement has not established that an undue burden would be required if the restriction requirement was not issued and if all the claims were examined together. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

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In the present application, no undue burden has been established if each of the claims were examined together. In particular Examiner has neither indicated nor has given any arguments as to why prosecution of claims 36 and 37 presents any serious burden as required by MPEP §803.

The present restriction requirement not only improperly shifts the Examiner's burden to the Applicant, but also subjects the Applicant to the added financial burden of prosecuting different claims in separate proceedings. Applicant respectfully requests that Examiner reconsider the current restriction and examine all claims.

Applicant provisionally elects Species E covering claims 16, 17, 34, 35, and 36.

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Respectfully submitted,
Timothy D. Strecker

By: 
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